

REMARKS

Claims 2-12, 22-27 and 31-48 are now pending in the present application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

FAILURE TO CONSIDER CLAIMS 46-48

In the Responsive Amendment filed on 27 July 2007, Applicant presented new claims for consideration including Claims 46-48. In the Final Action mailed on October 16, 2007, the Examiner failed to address the subject matter of these claims. Specifically, the Examiner did not provide any basis for rejecting these claims, or otherwise indicate the claims as being directed to allowable subject matter. Having failed to address these claims presented in a timely manner, Applicant requests that the Examiner withdraw the finality of his rejection and examine the subject matter of Claims 46-48.

REJECTION UNDER 35 U.S.C. § 103

Claims 2-5, 7-12, 22-27, 31-43 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foran (U.S. Pat. No. 5,554,252) in view of Reis *et al.* (U.S. Pat. No. 5,800,661). This rejection is respectfully traversed.

The Examiner concedes that Foran fails to disclose a vacuum system with an elongated channel but relies on the teachings of Reis for these teachings. In making this rejection final, the Examiner states that Applicant's amendment necessitated the new grounds of rejection presented in the Final Office Action. Applicant submits that such new grounds were not necessitated by Applicant's amendment as some of the claims as originally filed recited "said vacuum pad includes at least one recessed

channel..." or "said cavity is an elongated channel." See, claims 3, 15 and 20 and claim 25. Thus, the amendments did not necessitate the search and citation of Reis *et al.*, and the finality of the office action is improper and should be removed.

The Examiner also failed to address other limitations recited in the claims as previously presented. Specifically, claims 31 and 33 recite "a lower nest including ... an upper surface having a material-contacting area defined to substantially conform to a perimeter region of the first sheet material, said material-contacting area being laterally accessible..." As previously remarked, Foran fails to disclose a lower nest in which the material-contacting area is laterally accessible by the forming tool as called for in pending claims. The vertical walls on block 84 prevent lateral access to the material-contacting area. Reis *et al.* do not remedy this deficiency as the fixture disclosed therein also relies on a vertical wall 29 defined by grooves 26 to provide lateral stability. In fact, Reis discloses positioning the patterned material within the channel such that, the material-contacting portion is actually located therein and the vertical walls (much like those disclosed by Foran) block lateral access to the material-contacting portion. See, U.S. Patent No. 5,800,661, col. 4, ll. 62-63; col. 6, ll. 10-13, 25-28; col. 6, ln. 58 – col. 7, ln. 5; and FIGS 5 and 9-10. Thus, even combining the teachings of Reis *et al.* with Foran would not yield the claimed apparatus. Moreover, any attempt to make such a combination would be rejected as causing unacceptable damage to the finish and show surface of the first sheet material.

In contrast to Foran and Reis *et al.*, the present application is directed to an apparatus used in press hemming and roller hemming operations of panels such as those used in automotive vehicles having an outer finish or show surface. These

forming operations impart significant lateral forces as a flange is folded or rolled over but must not damage the show surface on the opposite side of the first sheet material. The elongated channels recited in the claims are able to provide a clamping force along the entire length of the channel to immobilize the sheet material against these significant lateral forces without damaging the show surface. Applicant presents amended claims which more particularly point out this aspect of the subject matter that Applicant regards as the invention.

For each of the above-stated reasons, Foran alone or in combination with Reis *et al.* fail to disclose or suggest both the structure and the function recited in the claims as originally filed and as amended and presently pending.

ALLOWABLE SUBJECT MATTER

Applicant acknowledges the Examiner's recognition that claims 6 and 44 represent allowable subject matter. In view of the foregoing amendments and remarks, Applicant has not rewritten these claims in independent form as it believes that the claims from which claims 6 and 44 depend are also directed to allowable subject matter.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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